
Z-2557
F. LYNN CASON, JR.
R1 to GB

STAFF REPORT
November 14, 2013

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, represented by Joseph Bumbleburg of Ball Eggleston, is requesting rezoning of 68.6 acres from R1 to GB. The almost 70 acres is located in two tracts: 23 acres at the northwest corner of the new US 231 and the (yet-to-be-opened) Cumberland extension and the remaining 45 acres located at the northeast corner, abutting Pine View farms to the north. The property is currently part of unincorporated Wabash Township 11 (NW & NE) 23-5 but is part of West Lafayette's proposed annexation that will be finalized early next year.

ZONING HISTORY AND AREA ZONING PATTERNS:

The entirety of the property is currently zoned R1, single-family residential. Earliest zoning maps indicate the area was historically zoned R1.

That zoning pattern changed in 2010 when 20 acres was rezoned from R1 to GB for a proposed (now built) church at the southeast corner of US 231 and Cumberland (Z-2461). Then, in the following year, 10 acres on the north side of Cumberland extension was successfully rezoned to R3 (Citation Homes, Z-2479) and 20 acres rezoned to NB (amended from GB) at the southwest corner of Cumberland and US 231 (Citation Homes, Z-2480)

Two unsuccessful rezones were attempted in 2002 for R3 zoning; one was withdrawn and the other denied by the County Commissioners (Z-2075 and -2094 respectively).

AREA LAND USE PATTERNS:

Except for the church at the southeast corner of the intersection, the remaining three corners are undeveloped. Residential subdivisions surround this intersection with Point West mobile home park and Copper Beech townhomes to the west, Wake Robin and Sherwood Forest to the south and Pine View Farms and Carrington Estates to the north. The historic brick schoolhouse located near the intersection will remain and is a part of the GB rezone.

TRAFFIC AND TRANSPORTATION:

The new, four lane limited access US 231 opened in September of 2013. The Cumberland Extension has a projected open date of April 26, 2014, but county officials hope to improve on that timeline, weather permitting.

The eastern tract has two approved access points on Cumberland extension as shown on the construction plans. The western tract does not have access and will have to coordinate with the property owner farther to the west. No access will be granted from US 231.

CityBus has no plans to extend bus service or alter bus routes to accommodate this area.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Where proposed GB zoning abuts residential zoning, a 20' Type C bufferyard will be required. This is on the south and west sides of the western tract and the north and east sides of the eastern tract.

There are two areas of Palustrine type wetlands located on petitioner's site: a small area of gravelly wetlands abutting US 231 on the west and a large area on the north side of the west tract located in the wooded area.

Three agencies have jurisdiction over wetlands: the USDA (Department of Agriculture), Army Corps of Engineers and IDEM (Indiana Department of Environmental Management). In this case, the USDA might have an interest because of the current crop production component of the property. The USACE will not have jurisdiction because there is no navigable body of water. Finally, IDEM, which has jurisdiction over wetlands under Section 401 of the Indiana Isolated Wetlands Law, may require a permit. When the property is developed, a wetland delineation and mitigation plan will need to be approved by those agencies, as well as any future Drainage Board requirements.

STAFF COMMENTS:

Staff has long contemplated a commercial future for this intersection of US 231 and Cumberland extension. As evidenced by the last three successful commercial rezones, the Plan Commission and community agrees with that vision.

These tracts of land represent some of the only large, developable ground in (what will soon be) West Lafayette. This intersection will serve as an entrance to the city and represents an important opportunity to create a gateway for our community.

That being said, as is consistent with staff's vision, the US 52 corridor study exercise, approved rezones and emerging development patterns, commercial zoning is appropriate for this intersection. However, staff has concern about the intensity of the zone requested and its proximity to both Pine View Farms and Carrington Estates adjacent to eastern tract on the north. NB zoning would still allow many of the same uses as GB, but the uses would be the type more convenient to and compatible with nearby residences. Also, NB would better protect them by limiting the uses, outdoor storage and square footage of allowable commercial developments. In a meeting with petitioner and his representative, staff suggested applying rezoning commitments to the site to limit potential adverse impact land uses near the existing subdivisions or

amending the portion of the request that abuts residential to NB instead of GB. Those suggestions were met with resistance.

At this point, staff sees several red flags regarding this request. The first is that this property is in transition; it is currently in unincorporated Tippecanoe County. If the timeline for this rezone request advances as petitioner expects, the jurisdiction to vote on the request will be the County Commissioners. However, a few months later, the property will be annexed into the city of West Lafayette. West Lafayette should rightly have an interest in its zoning, development, uses, access, landscaping and signage. Pushing this request through is a clear indication to staff that petitioner desires to get the site's zoning in place before the West Lafayette City Council has jurisdiction.

The second troubling issue is there is no guarantee of future uses, some of which may not need General Business zoning, particularly institutional uses. Without a clear idea of end users, this request is premature. Additionally, the western tract has no access on Cumberland. Petitioner will have to coordinate efforts with the neighboring property owner who has a curb cut.

Thirdly, from an undesirable land use standpoint, billboards are permitted by right in unincorporated Tippecanoe County in the GB zone. If this request is approved in the unincorporated county, a billboard could be erected immediately following Commissioner approval of the rezone. Not only would this create unsightly billboards along the brand new highway, when the property is annexed, those billboards would then be non-conforming uses (billboards are only permitted in West Lafayette in the I2 and I3 zones).

As stated before, this property represents an important development opportunity and commercial zoning *is* appropriate. But staff urges petitioner to contemplate an interesting, mixed and vibrant commercial and institutional future for the area. All future development should give consideration to surrounding uses, recognize potential land use incompatibility, and capitalize on opportunities to serve the nearby neighborhoods, visitors, travelers and the community alike. A blanket request for 60+ acres of GB zoning with potential incompatible uses and no clear development plan is not the way to achieve that.

Staff recommends that petitioner continue this request until the property is annexed to allow West Lafayette better input with regards to the site's zoning and development, prevent billboards, and gain a clearer idea of future users so that the zoning will better reflect land uses.

STAFF RECOMMENDATION:

Continuance to the February 19, 2014 Area Plan Commission meeting